

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO

LUIS ORTIZ CAMERON

Petitioner,

v.

UNITED STATES OF AMERICA

Respondent.

Civ. No. 97-1629(PG)

ORDER

Before the Court is Petitioner's second "Motion to Request a Certificate of Appealability" (Docket No. 53) as required under the Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA"). Petitioner seeks to appeal this Court's decision denying his Motion for Relief from Judgment. (Docket No. 46.)

Under the AEDPA, no appeal may be taken from a district court's ruling on a Section 2255 motion unless a district or circuit judge issues a Certificate of Appealability ("COA") based upon a "substantial showing" by the prisoner of "the denial of a constitutional right." 28 U.S.C. § 2253(c). To succeed, a petitioner must demonstrate that the issues raised are "'debatable among jurists of reason; that a court could resolve the issues [in a different manner]; or that the questions are 'adequate to deserve encouragement to proceed further.'"' Barefoot v. Estelle, 463 U.S. 880, 883 n.4 (1983) (alteration in original) (internal quotations omitted). "The necessity for a substantial showing extends independently to each and every issue raised by a habeas petitioner." Berthoff v. United States, 308 F.3d 124, 127-28 (1st Cir. 2002).

A review of the record shows that the District Court denied petitioner's Motion to Vacate Sentence (Docket No. 21), as well as his Motion for Reconsideration of the Opinion and Order denying the Motion to Vacate. (Docket No. 26). Following these rulings, petitioner filed an appeal and requested that the District Court issue a COA which was also denied. (Docket No. 32). Accordingly, the Circuit Court entered judgment terminating the appeal. (Docket No. 34). Withal, petitioner insisted that the Court should set aside its previous rulings and filed a Motion for Relief of Judgment which was denied as well. (Docket Nos. 36 and 46.) Not surprisingly, petitioner filed a second Notice of Appeal and once more requests that we issue a COA. (Docket Nos. 47 and 53.)

Each time the Court denied petitioner's numerous motions it concluded that upon reviewing all of the arguments raised they were found to be without merit. Furthermore, the Court stated on more than one occasion that petitioner failed to bring forth new arguments in support of his continued requests for reconsideration.

As is evident from the above discussion and the record of the case, the District Court has reviewed and denied petitioner's rehashed arguments over and over again. Accordingly, petitioner's Motion for a COA is **DENIED**.

IT IS SO ORDERED.

In San Juan, Puerto Rico, January 18, 2005

S/JUAN M. PEREZ-GIMENEZ
U.S. District Judge